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Imperial County Pesticide Regulatory Program 2006/2007 through 2007/2008 Performance Evaluation Report

**California Environmental Protection Agency
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Performance Evaluation of the Imperial County Agricultural Commissioner's Pesticide Use Enforcement Program

This report provides a performance evaluation of the Imperial County Agricultural Commissioner's (IMP CAC) pesticide use enforcement (PUE) program for the FY 06/07 thru FY 07/08. The assessment evaluates the performance of goals identified in the IMP CAC's enforcement work plan for FY 06/07 thru FY 07/08 as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Standards Compendium.

I. Summary Report of Core Program Elements

A) Restricted Materials Permitting:

The restricted materials permitting program element was found to meet DPR standards and work plan goals.

B) Compliance Monitoring:

The compliance monitoring program element was found to meet DPR standards and work plan goals.

C) Enforcement Response:

The enforcement response program element was found to meet DPR standards and work plan goals.

Summary Statement:

No deficiencies have been identified in the IMP CAC's pesticide use program and the program is currently effective.

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

- 1) **Permit Issuance** - Restricted material permits are generally issued during the months of May-August each year. IMP CAC issued 1340 restricted material permits (RMP) during FY 06/07 and 1416 RMP during FY 07/08. IMP CAC reviewed 4361 Notices of Intent (NOIs) during FY 06/07 and 3742 NOIs during FY 07/08. All Licensed Pesticide Use Enforcement (PUE) staff issue restricted material permits. Random review of restricted material permits and observations during the issuance process indicate this sub-program criteria is conducted in an effective manner. IMP CAC followed FY 06/07 thru FY 07/08 Work Plan goals by giving the highest priority to site monitoring activities involving field fumigants and restricted pesticides near sensitive sites that are identified in the work plan.
- 2) **Site Evaluation** - PUE Biologists are assigned daily to conduct site evaluations. All NOIs are reviewed by PUE licensed Biologists. The FY 06/07 thru FY 07/08 Pesticide Regulatory Activities Monthly Reports (PRAMR) indicate Imperial CAC staff monitored more than 10% of the sites identified in permits and NOIs for agricultural and non-agricultural use by utilizing pre-application site evaluation inspections.

B) Compliance Monitoring:

- 1) **Inspections** - IMP CAC inspections procedures and performance were evaluated through the Enforcement Branch Liaison's (EBL) oversight inspections and records review, and were found to conform to DPR standards and expectations. The IMP CAC Biologists are assigned to conduct pesticide use monitoring inspections at night and on weekends in addition to normal business hours in an effort to monitor a well-balanced cross section of the industry. Inspections are generally performed according to DPR policies and procedures. The inspection reports provide adequate information necessary to successfully complete administrative actions.
- 2) **Investigations** - Investigations are conducted in accordance with DPR policy and guidance. IMP CAC investigates all complaints and completes the reports in a timely manner. IMP CAC collects and submits evidence according to DPR standards. IMP CAC submits a supplemental report along with the investigation to DPR that identifies all of the violations and enforcement actions taken which relate to the original investigation. IMP CAC conducted five Priority Episode Investigations during FY 06/07 and FY 07/08 as defined by U.S. EPA/DPR/CACASA Agreement.

C) Enforcement Response: IMP CAC took 19 enforcement actions during FY 06/07 and 21 enforcement actions during FY 07/08. Review of the Enforcement actions indicate IMP CAC's Enforcement Response is in accordance with DPR's Enforcement Response Policy. IMP CAC initiates appropriate actions when violations are identified. IMP CAC's Enforcement Response sufficiently supports compliance, enforcement and public protection actions. Review of Enforcement and Compliance actions that were taken in response to inspections and investigations indicate that IMP CAC levied fines in the appropriate category and adhered to statutory time frames.